

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOHN CORNISH	:	CIVIL ACTION
	:	
	:	
v.	:	
	:	
	:	
CITY OF PHILADELPHIA, et al.	:	NO. 14-6920

ORDER

AND NOW, this 19th day of January, 2016, for the reasons set forth in the accompanying Memorandum, it is hereby ORDERED that:

(1) the motion of Christopher Oppman and Joseph Korszniak for partial dismissal of the second amended complaint (Doc. # 86) is GRANTED;

(2) the motion of Correct Care Solutions, LLC, Wexford Health Sources, Inc., Dr. Jose Boggio, Dr. Haresh Pandya, and Raymond Machak, PA for dismissal of the second amended complaint (Doc. # 84) and the motion of the Pennsylvania Department of Corrections for dismissal of the second amended complaint (Doc. # 85) are GRANTED in part and DENIED in part;

(3) Count I of the second amended complaint is DISMISSED insofar as it pleads liability against the Pennsylvania Department of Corrections, Christopher Oppman,

Joseph Korszniak, Dr. Jose Boggio, Dr. Haresh Pandya, and
Raymond Machak, PA;

(4) Count II of the second amended complaint is
DISMISSED insofar as it pleads liability against the
Pennsylvania Department of Corrections, insofar as it pleads
liability against Christopher Oppman and Joseph Korszniak in
their official capacities pursuant to 42 U.S.C. § 1983, insofar
as it pleads liability against Oppman and Korszniak pursuant to
42 U.S.C. §§ 1985(3) and 1986, and insofar as it pleads
liability against Correct Care Solutions, LLC, Wexford Health
Sources, Inc., Dr. Jose Boggio, Dr. Haresh Pandya, and Raymond
Machak, PA pursuant to 42 U.S.C. §§ 1985(3) and 1986;

(5) Count III of the second amended complaint is
DISMISSED insofar as it pleads liability against Christopher
Oppman and Joseph Korszniak and insofar as it pleads liability
against the Pennsylvania Department of Corrections based on a
theory of institutional negligence;

(6) Count V of the second amended complaint is
DISMISSED insofar as it pleads liability for monetary damages
and equitable relief against the Pennsylvania Department of
Corrections, Christopher Oppman, and Joseph Korszniak, and
insofar as it pleads liability for monetary damages against
Correct Care Solutions, LLC, Wexford Health Sources, Inc., Dr.
Jose Boggio, Dr. Haresh Pandya, and Raymond Machak, PA;

(7) the motion of Correct Care Solutions, LLC, Wexford Health Sources, Inc., Dr. Jose Boggio, Dr. Haresh Pandya; and Raymond Machak, PA for dismissal of the second amended complaint (Doc. # 84) and the motion of the Pennsylvania Department of Corrections for dismissal of the second amended complaint (Doc. # 85) are otherwise DENIED;

(8) the motion of plaintiff "for extension of time to file certifications required as to corporate defendants and Pennsylvania Department of Corrections should the court determine they are required" (Doc. # 92) is GRANTED;

(9) Plaintiff shall have to and including February 8, 2016 to file certificates of merit for: Raymond Machak, P.A.; Wexford Health Sources, Inc.; and Correct Care Solutions, LLC;

(10) the motion of Christopher Oppman and Joseph Korszniak to dismiss the crossclaim of Prison Health Services, Inc., Corizon, and Margaret McGrogan, R.N. (Doc. # 99) is GRANTED as unopposed; and

(11) the crossclaim of Prison Health Services, Inc., Corizon, and Margaret McGrogan, R.N. against Christopher Oppman and Joseph Korszniak is DISMISSED.

BY THE COURT:

/s/ Harvey Bartle III

J.